

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEITH ALEXANDER,
Petitioner,

v.

THOMAS McGINLEY,
THE DISTRICT ATTORNEY OF THE
COUNSEL OF PHILADELPHIA, and
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,
Respondents.

CIVIL ACTION

NO. 19-2443

ORDER

AND NOW, this 9th day of December, 2020, upon consideration of *pro se* Petitioner Keith Alexander's Motion for Relief from Judgment Under Fed. R. Civ. P. 60(b) (ECF No. 4), for the reasons state in the Memorandum dated December 9, 2020, it is ORDERED that:

1. The Motion is **DISMISSED** for lack of jurisdiction as a second or successive habeas corpus petition **WITHOUT PREJUDICE** to *pro se* petitioner's right to seek authorization to file the Motion from the United States Court of Appeals for the Third Circuit pursuant to 28 U.S.C. § 2244(b)(3)(A);
2. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.